



DHHS – PROVIDER MEETING

Developmental Disabilities Waivers

Third Quarter: August 8, 2023

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Agenda

- 🍏 Final Settings Rule Update
- 🍏 Family Support Waiver Update
- 🍏 Service Coordination Teammate Changes
- 🍏 General Event Report Resolution
- 🍏 Shared Living Model
- 🍏 Rights Restrictions
- 🍏 Questions

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Final Settings Rule Update – Nebraska’s CAP

Britt Sommer

- 🍏 The requested Corrective Action Plan (CAP) allows Nebraska time to resolve working through the adjudication process with CMS for Heightened Scrutiny settings and the completion of the STP milestones.
- 🍏 CMS approved the CAP for Nebraska on June 26, 2023.
- 🍏 Medicaid authorities subject to the CAP - 1915(c) HCBS Waivers:
 - 🍏 Developmental Disabilities Adult Day Services (DDAD) Waiver, NE.0394
 - 🍏 Comprehensive Developmental Disabilities Services (CDD) Waiver, NE.4154
 - 🍏 Aged and Adults and Children with Disabilities (AD) Waiver, NE.0187
 - 🍏 Traumatic Brain Injury (TBI) Waiver, NE.40199

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Milestones and Timeframes Under the CAP

Milestone	Begin Date	Completion Date
Heightened Scrutiny Activities		
Submit the list of settings identified by settings type and category of institutional presumption to CMS.	—	March 24, 2023
Submit information to CMS on presumptively institutional settings selected by CMS for a sampled heightened scrutiny review.	April 18, 2023	April 21, 2023
Address heightened scrutiny findings related to CMS' heightened scrutiny review including, as applicable, remediation of all similarly situated settings that utilize a similar service delivery model and, as applicable, any overall assessment processes of all providers of HCBS in the state to ensure that all providers are being assessed appropriately against the regulatory settings criteria.	Date CMS issues findings to Neb.	The later of March 17, 2024, or 12 months after the date CMS issues findings to Neb.
Statewide Compliance		
Final compliance statewide with HCBS settings rule.	—	The later of March 17, 2024, or 12 months after the date CMS issues findings to Neb.

Evaluated Settings for Nebraska Waivers

AD Waiver	DD Waivers	TBI Waiver
Assisted Living Facilities	Host Home/Shared Living	Assisted Living Facilities
Adult Day Health	Group Home	
Extra Childcare for Children with Disabilities	Centers for Developmental Disabilities (CDDs)	
Respite Settings	Adult Day Settings	
	Day Support (Workshop)	
	Other Settings	

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Heightened Scrutiny

- 🍏 For settings presumed to have institutional qualities, CMS requires an assessment process called “heightened scrutiny.”
- 🍏 Identified settings are required to undergo an additional review by state staff and may be included in a sample reviewed by CMS.
- 🍏 DHHS identified 66 ALFs and 12 DD waiver sites requiring review.
 - 🍏 Public comment for these was completed in April 2022.
 - 🍏 Out of these sites submitted to CMS, CMS pulled a random stratified sample and selected 16 sites to review in more detail.
- 🍏 CMS site visits are pending.

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Quarterly Reports

- 🍏 Second Quarter reports will be sent on completed self-assessments and on-site assessments.
- 🍏 Second Quarter reports will include data on expedited on-site assessment requests to the Department.
- 🍏 We will add more data points as we move forward with reports.

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DID YOU KNOW?

HCBS Providers


The DHHS Quality Team is excited to offer virtual and in-person training to our agency partners.



We hope you will take advantage of this opportunity in preparation for CMS onsite visits, and to further your agency's knowledge on the implementation of the Final Settings Rule.

Contact

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For additional resources visit:

 <https://dhhs.ne.gov/Pages/HCBS-Statewide-Transition-Plan.aspx>

Please contact DHHS for scheduling availability.

Looking for help
with your
agency's quality
management?

Family Support Waiver (FSW) Update

Colin Large

The FSW is currently in public comment

- 🍏 Public Comment information on the DDD website:
<https://dhhs.ne.gov/Pages/DD-Public-Comment.aspx>
- 🍏 Three presentations:
 - 🍏 August 4, 2023 – In-person at DHHS South, Lincoln 11 AM, CT.
 - 🍏 August 7, 2023 – Zoom at 5 PM, CT.
 - 🍏 August 14, 2023 – In-person at UNMC Munroe-Meyer Institute and by Zoom at 4 PM, CT.

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Appendix A: Administration and Operations

- 🍏 Nebraska is requesting a three-year new waiver.
- 🍏 DD waivers are administered by the Division of Developmental Disabilities (DDD), with oversight by the Division of Medicaid and Long-Term Care (MLTC).
- 🍏 All providers, both independent and agency, must be enrolled through Maximus, which is Nebraska's Medicaid provider enrollment broker.
- 🍏 On or before July 1, 2024, DHHS will contract with a qualified vendor to provide Financial Management Services (FMS) to participants who choose self-direction.

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Appendix B: Participant Access and Eligibility, cont.

Funding Priorities per Neb. Rev. Stat. §68-1532:

1. Children with disabilities and family units in crisis situations in which the child tends to self-injure or injure siblings and other family members.
2. Children with disabilities who are at risk for placement in juvenile detention centers, other institutional settings, or out-of-home placements.
3. Children with disabilities whose primary caretakers are grandparents because no other family caregivers are available to provide care.
4. Families who have more than one child with disabilities living in the family home.
5. Based on the date of application.

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Appendix C: Participant Services – Existing Services

- 🍏 Assistive Technology
- 🍏 Child Day Habilitation
- 🍏 Community Integration
- 🍏 Day Supports
- 🍏 Environmental Modification Assessment
- 🍏 Home Modifications
- 🍏 Homemaker
- 🍏 Independent Living
- 🍏 Personal Emergency Response System (PERS)
- 🍏 Respite
- 🍏 Supported Family Living
- 🍏 Transportation
- 🍏 Vehicle Modifications

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New Service: Family and Peer Mentoring

- 🍏 Provides a mentor to provide support and guidance to the participant, the family, or both by sharing experiences, strategies, and resources.
- 🍏 Outcome is to support the participant and family by enhancing their knowledge and skills in understanding available resources beyond those offered through the waiver.
- 🍏 Provided by Agency providers.

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New Service: Family Caregiver Training

- 🍏 Individualized training and education for unpaid caregiver living in the family home and supporting the participant.
- 🍏 Intended to build skills and knowledge of unpaid caregivers.
- 🍏 May include topics such as:
 - 🍏 Understanding disability;
 - 🍏 Achieving greater competence and confidence in support; and
 - 🍏 Develop or enhance parenting strategies.
- 🍏 Must be necessary to achieve outcomes in the person-centered plan.
- 🍏 Includes payment for registration and training fees.
- 🍏 Annual cap of \$500.
- 🍏 Provided by Agency providers.

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New Service: Participant Directed Goods and Services

- 🍏 Equipment, supplies, item, or service to:
 - 🍏 Maintain or increase independence;
 - 🍏 Promote opportunities for community living and inclusion; or
 - 🍏 Benefit the participant by addressing an identified need.
- 🍏 Equipment, supplies, item, or service not otherwise provided through the waiver or the Medicaid state plan.
- 🍏 This service will be implemented on or before 7/1/2024.
- 🍏 Will use Financial Management Services (FMS).
 - 🍏 Process and pays for equipment, supplies, item, or service approved in the person-centered plan.

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Appendix E: Participant Direction of Services

- 🍏 Self-direction of services promotes personal choice and gives the participant control over how, when, and by whom services are delivered.
- 🍏 Participants are responsible for finding, hiring, training and supervising, and dismissing independent providers (employees).
- 🍏 On or before July 1, 2024, DHHS will procure Financial Management Services (FMS) as a contracted administrative activity to support participants who choose self-direction.

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Appendix G: Participant Safeguards

- 🍏 A Critical Incident Management Process is used to document, track, and analyze critical events/incidents.
- 🍏 Safeguards include:
 - 🍏 Incident reports required to DDD for events that may adversely affect the physical or emotional well-being; alleged or suspected cases of abuse, neglect, or exploitation; and emergency safety situations requiring the use of emergency safety interventions.
 - 🍏 All instances of abuse, neglect, or exploitation must be reported to appropriate authorities to conduct a follow-up action.
 - 🍏 **The use of restraints or restrictive intervention is not allowed by any provider of waiver services.**

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Appendix I: Financial Integrity and Accountability

- 🍏 Financial accountability and integrity are a joint responsibility of the DHHS Division of Developmental Disabilities, with assistance from Medicaid and Long-Term Care and DHHS Financial Services unit.
- 🍏 Rates are at the direction of the Nebraska Legislature and are posted on the DHHS public website.
- 🍏 Services are authorized using a state-mandated web-based case management system.
 - 🍏 Provider payment can only occur when the service is authorized and provided.
 - 🍏 Payments to providers can be audited.

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After the Public Comment Period Ends

- 🍏 All comments will be considered.
- 🍏 A summary of all comments, including any changes to the waiver application which resulted from public comment, will be posted on the DD website.
- 🍏 A summary of public comments will be included in the waiver application when submitted to CMS.
- 🍏 If public comments indicate a need for substantive change(s), the FSW will be re-drafted and re-posted for another public comment period.

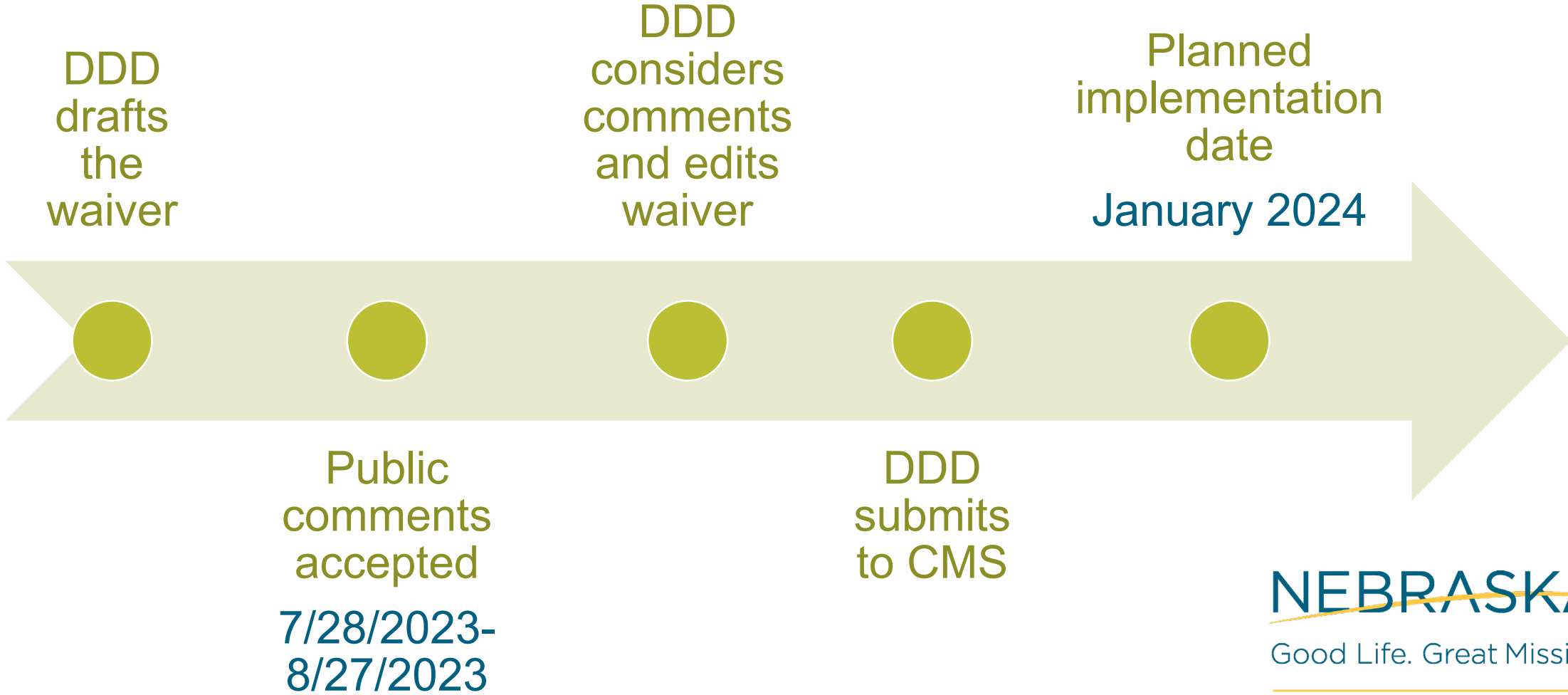
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Family Support Waiver Timeline



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Service Coordination Teammate Changes

Jillion Lieske

- 🍏 Adding 50 Service Coordination teammates to support the FSW.
- 🍏 Moving from four districts to five.
 - 🍏 You may have a new Service District Administrator as a point of contact.

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General Event Report (GER) Resolution

Britt Sommer

- 🍏 *Required* responses and action needed for GER resolution.
- 🍏 Responding to GERs and SC questions is not *optional*.
- 🍏 Purpose of responses is to evaluate and minimize future risk.
- 🍏 Trends identified by Liberty.

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Shared Living Model

Jenn Clark

- 🍏 In the process of updating our policy for Shared Living Providers.
- 🍏 There will be a grandfathering for most changes, but not all.
 - 🍏 Still determining if an SLP can be both day and residential staff for their participant.
 - 🍏 Still determining if an agency decides the percentage an SLP receives or if it will be a percentage dictated by DHHS.
- 🍏 Implementation in 2024, likely January.
 - 🍏 We originally looked at August implementation but have pushed this back. Let us know if you hear the August date.
 - 🍏 There will be more communication and discussion with providers before implementation.

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Rights Restrictions

Britt Sommer

When there is a rights restriction:

- 🍏 We MUST have a reduction plan; AND
- 🍏 See habitation in place to support the person to decrease that restriction.
- 🍏 *This includes when there is a psychotropic medication.*

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Rights Restrictions – When no Guardian

Participants who do not have a legal guardian but have rights restrictions:

- 🍏 Listed in the Risks section in the ISP;
- 🍏 Included in safety plans; and
- 🍏 NOT listed in the Restrictions section since the participant can choose to not have the restriction in place and the provider must allow them the choice.

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QUESTIONS?

The next DD Provider Quarterly Meeting is scheduled for
Monday, October 24, 2023, from 10 AM to Noon, CT.

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THANK YOU

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